Vol. LXX.

Assembly Proceedings

Official Report

Bengal Legislative Assembly

First Session, 1946

The 14th May, 1946

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1946

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir FREDERICK JOHN BURROWS, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, Minister in charge of the Chief Minister's Department and of the Home Department.

(2) The Hon'ble Khan Bahadur MOHAMMED ALI, Minister in charge of the Finance Department and of the Department of Health and Local Self-Government.

(3) The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN, Minister in charge of the Education Department and of the Department of Land and Land Revenue.

(4) The Hon'ble Mr AHMED HOSSAIN, Minister in charge of the Department of Agriculture, Forests and Fisheries.

(5) The Hon'ble Mr. JOGENDRA NATH MANDAL, Minister in charge of the Judicial and Legislative Departments and of the Department of Works and Buildings.

(6) The Hon'ble Khan Bahadur ABDUL GOFRAN, Minister in charge of the Department of Civil Supplies.

(7) The Hon'ble Khan Bahadur ABUL FAZAL MOHAMMAD ABDUR RAHMAN, Minister in charge of the Department of Co-operation, Credit and Relief and of the Department of Irrigation and Waterways.

(8) The Hon'ble Mr. SHAMSUDDIN AHMED, Minister in charge of the Department of Commerce, Labour and Industries.

BENGAL LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Khan Bahadur NURUL AMIN.

DEPUTY SPEAKER.

Mr. TAFAZZAL ALI, *Advocate*.

SECRETARY.

K. ALI AFZAL, Esq., BARRISTER-AT-LAW.

FIRST ASSISTANT SECRETARY.

AJITA RANJAN MUKHARJEA, Esq., M.SC., B.L.

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Ahad, Dr. [Satkhira.]
Abdul Awal, Mr. [Jessore East.]
Abdul Aziz, Maulana Md. [Narayanganj East.]
Abdul Aziz Munshi, Khan Sahib. [Madaripur East.]
Abdul Hafiz, Mr. Muzaffar. [Tangail West.]
Abdul Hai, Maulana. [Noakhali South.]
Abdul Hakim Mia, Mr. [Noakhali West.]
Abdul Hakim Vikrampuri, Mr. Md. [Munshiganj.]
Abdul Halim, Khan Sahib Molla Mohammad. [Nadia West.]
Abdul Hamid, Mr. [Rajshahi South.]
Abdul Hamid, Khan Bahadur A. M. [Pabna West.]
Abdul Hannan, Mr. [Meherpur.]
Abdul Karim, Mr. [Jamalpur North.]
Abdul Khaleque, Khan Bahadur. [Dacca South Central.]
Abdul Mannan, Mr. Fakir. [Dacca North Central.]
Abdul Momin, Mr. [Tippera Central.]
Abdullahel Baqui, Mr. Md. [Dinajpur Central East.]
Abdur Rahman, The Hon'ble Khan Bahadur A. F. M. [24-Parganas North East.]
Abdur Rahman Khan *alias* Nuru Mian, Mr. [Patuakhali North.]
Abdur Raschid Mahmood, Mr. [Serajgunge South.]
Abdur Rashid, Maulana Khondkar. [Serajgunge Central.]
Abdus Sabur Khan, Mr. [Khulna.]
Abdus Salam, Mr. Md. [Matlabbazar.]
Abidur Reza Choudhury, Khan Bahadur. [Chandpur West.]
Abul Hashem, Mr. [Burdwan.]
Abul Kalam Shamsuddin, Mr. [Mymensingh West.]
Abul Masud, Mr. Kazi. [Natore.]
Abul Quasem, Mr. [Hooghly.]
Acharjee, Mr. Shitangshu Kanta. [Dacca Landholders.]
Adhikari, Mr. Amulya Chandra. [Mymensingh East.]
Ahammad Ali, Mr. Mir. [Jamalpur-*cum*-Muktagacha.]
Ahmed Ali Mridha, Mr. [Goalundo.]
Ahmed Hosain, The Hon'ble Mr. [Gaibandha South.]
Ahmed Kabir Chowdhury, Mr. [Chittagong South.]
Akbar Ali, Maulvi. [Netrokona North.]
Ali Ahmed Chowdhury, Mr. [Chittagong South Central.]

Ali Ahmed Khan, Mr. [Brahmanbaria South.]
Anwara Khatun. [Dacca (Muhammadan).]
Ariff Chaudhury (Dhanu Mia), Mr. Md. [Bakargunge North.]
Asan Ali Muktear, Mr. [Netrokona South.]
Aulad Hossain Khan, Khan Bahadur. [Manikganj East.]
Azizur Rahman, Mr. Syed. [Bhola South.]

B

Badiuzzaman Muhammad Ilias, Mr. [Bogra East.]
Bafatuddin Talukdar, Mr. A. K. M. [Jamalpur West.]
Bandopadhaya, Mr. Pramatha Nath. [Midnapore South-West.]
Banerjee, Mr. Gobindalal. [Khulna.]
Banerjee, Mr. Sibnath. [Howrah (Registered Factories).]
Banerjee, Mr. Susil Kumar. [Howrah.]
Banerji, Dr. Suresh Chandra. [Calcutta & Suburbs (Registered Factories).]
Barman, Mr. Haran Chandra. [Bogra-*cum*-Pabna.]
Barman, Mr. Mohini Mohan. [Jalpaiguri-*cum*-Siliguri.]
Barury, Mr. Dwarka Nath. [Faridpur.]
Basu, Mr. Hemanta Kumar. [Calcutta North.]
Basu, Mr. Jyoti. [Railway Trade Union.]
Bhandari, Mr. Charu Chandra. [24-Parganas North-West.]
Bhattacharjee, Mr. Ganendra Chandra. [Dacca East.]
Bhattacharjee, Mr. Munindra Nath. [Dacca West.]
Bhattacharyya, Mr. Shyamapada. [Murshidabad.]
Birsha, Mr. Bir. [Malda.]
Biswas, Mr. Bhola Nath. [Jessore.]
Biswas, Mr. Gayanath. [Mymensingh West.]
Bose, Mr. Satish Chandra. [Calcutta South.]
Brahmin, Mr. Ratanlal. [Darjeeling Sadar.]

C

Chakraborty, Mr. Benode Chandra. [Mymensingh ... ...]
Chakravarty, Mr. Satish Chandra. [Presidency Division Municipal.]
Chatterjee, Mr. Haripada. [Nadia.]
Chattopadhyaya, Mr. Mihir Lal. [Birbhum.]
Chowdhury, Mr. Annada Prosad. [Jhargram-*cum*-Ghatal.]
Corstorphine, Mr. E. E. [Indian Tea Association.]

D

Das, Miss Bina. [Calcutta (General).]
Das, Mr. Brojomadhab. [Rangpur.]
Das, Mr. Jogendra Chandra. [Tippera.]
Das, Mr. Radha Nath. [Hooghly North-East.]
Das Gupta, Mr. Khagendra Nath. [Jalpaiguri-*cum*-Siliguri.]
Das Gupta, Mr. Suresh Chandra [Bogra-*cum*-Pabna.]
Dass, Mr. Kanailal. [Burdwan Central.]
Datta, Mr. Dhirendra Nath. [Tippera.]
De, Mr. Kanai Lal. [Bankura. West.]
Dhar, Mr. Manoranjan. [North Bengal Municipal.]
Dolui, Mr. Harendra Nath. [Jhargram-*cum*-Ghatal.]
Duff, Mr. D. I. [Indian Jute Mills Association.]
Dutta, Mr. Sukumar. [Hooghly South-West.]
Dutt-Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Ebrahim Khan, Khan Bahadur. [Tangail North.]
Emaduddin Ahammad, Mr. [Rangpur South.]
Eskandar Ali, Mr. Khan. [Madaripur West.]

F

Farid Ahmad Chowdhury, Khan Bahadur. [Chittagong North-East.]
Fazlul Huq, Mr. A. K. [Bakarganj South.]
Fazlul Karim, Mr. [Ramganj-*cum*-Raipur.]
Fazlul Qadir, Khan Bahadur. [Chittagong North-West.]
Fazlur Rahman (Dacca), Mr. [Dacca University.]
Fazlur Rahman (Mymensingh), Khan Bahadur. [Jamalpur East.]
Fazlur Rahman (Noakhali), Mr. [Noakhali North.]
Ferguson, Mr. F. F. M. [Bengal Chamber of Commerce.]

G

Ganguli, Mr. Bepin Behari. [24-Parganas Municipal.]
Gayen, Mr. Arabinda. [Howrah.]
Ghose, Mr. A. K. [Bengal National Chamber of Commerce.]
Ghose, Mr. Bimal Comar. [Bengal National Chamber of Commerce.]
Ghose, Mr. Jyotish Chandra. [Calcutta East.]
Ghosh Chowdhury, Mr. Haran Chandra. [Noakhali.]
Gladding, Mr. D., C.I.E. [Bengal Chamber of Commerce.]
Gomes, Mr. D. [Calcutta-*cum*-Presidency Division.]
Gomes, Mr. R. A. [Dacca Division.]
Guha Roy, Dr. Protap Chandra. [Faridpur.]
Gupta, Mr. J. C. [Calcutta South Central.]
Gupta, Mr. Monoranjan. [Bakarganj North-East.]
Gurung, Mr. Damber Singh. [Darjeeling.]

H

Habibul Huq, Mr. Syed. [Kishorganj North.]
Hafizuddin Choudhuri, Mr. [Thakurgaon.]
Haldar, Mr. Kuber Chand. [Murshidabad.]
Hamiduddin Ahmed, Khan Sahib. [Kishoreganj East.]
Hassan Ali, Mr. [Dinajpur Central West.]
Hatem Ally, Khan Sahib. [Pirojpur South.]
Haywood, Mr. R. [Bengal Chamber of Commerce.]
Hodge, Mr. H. R. [Bengal Chamber of Commerce.]
Husan Ara Begum. [Calcutta (Muhammadan).]

I

Ilias Ali Molla, Mr. [24-Parganas Central.]
Ispahani, Mr. M. A. H., M.B.E. [Muslim Chamber of Commerce.]

J

Jalan, Mr. Iswar Das. [Calcutta West.]
Jasimuddin Ahmed, Khan Bahadur. [24-Parganas South.]
Junabali Mia, Khan Sahib. [Chandpur East.]

K

Kabir Ahmed Choudhury, Mr. [Cox's Bazar.]
Kazem Ali Mirza, Shahibzada Kawan Jah Saiyid. [Murshidabad South-West.]
Kennedy, Mr. I. G. [Indian Jute Mills Association.]
Khairat Hossain, Mr. [Nilphamari.]
Khaitan, Mr. Debi Prosad. [Indian Chamber of Commerce.]
Khuda Bukhsh, Mr. Md. [Berhampore.]
Khurram Khan Panee, Mr. [Tangail South.]
Kundu, Mr. Nishitha Nath. [Dinajpur.]

L

Lahiri, Mr. Provas Chandra. [Rajshahi.]
Lutfar Rahman, Khan Bahadur. [Jessore Sadar.]
Lutfar Rahman, Mr. Dewan. [Pabna East.]

M

Madar Bux, Mr. [Rajshahi Central.]
Mafizuddin Ahmed, Khan Sahib. [Tippera North.]
Mahammad Afzal, Khan Bahadur Syed. [Pirojpur North.]
Mahammad Owais, Mr. [Rangpur North.]
Mahammad Sayeed Mia, Mr. [Malda North.]
Mahanty, Mr. Charu Chandra. [Midnapore Central.]
Mahtab, Sir Uday Chand, Maharajadhiraj Bahadur of Burdwan. [Burdwan Landholders.]
Maiti, Mr. Nikunja Behari. [Burdwan Division North Municipal.]
Majhi, Mr. Nishapati. [Birbhum.]
Majibar Rahman, Mr. [Noakhali Central.]
Majumdar, Mr. Bhupati. [Hooghly-*cum*-Howrah Municipal.]
Mal, Mr. Iswar Chandra. [Midnapore South-East.]
Malik, Dr. A. M. [Water Transport Trade Union.]
Mallick, Mr. Ashutosh. [Bankura West.]
Mandal, Mr. Annadaprasad. [Burdwan North-West.]
Mandal, Mr. Bankubehari. [Burdwan North-West.]
Mandal, The Hon'ble Mr. Jogendra Nath. [Bakarganj South-West.]
Mandal, Mr. Krishna Prasad. [Midnapore Central.]
Manuruddin Akhand, Mr. [Rajshahi North.]
Martuza Reza Chowdhury, Mr. [Jangipur.]
Masiuddin Ahmed (*alias* Raja Miah), Mr. [Manikganj West.]
Mazharul Haque, Mr. Abu Taiyab. [Dacca Central.]
Miles, Mr. C. W. [Bengal Chamber of Commerce.]
Mobarak Ali Ahmed, Mr. [Bogra North.]
Mohammad Sharif Khan, Mr. [Hooghly-*cum*-Howrah Municipal.]
Mohammed Ali, The Hon'ble Khan Bahadur. [Bogra West.]
Mookerjee, Dr. Syamaprasad. [Calcutta University.]
Mudassir Hossain, Khan Bahadur. [Birbhum.]
Muhammad Habibullah Chaudhury, Mr. [Feni.]
Muhammad Idris, Mr. [Howrah.]
Muhammad Ishaque, Mr. [Bogra South.]
Muhammad Israil, Mr. [Kishoreganj South.]
Muhammad Quasem, Maulana Haji. [Bakarganj West.]
Muhammad Qumruddin, Mr. [Barrackpore Municipal.]
Muhammad Rafique, Mr. [Calcutta North.]
Muhammad Rukonuddin, Mr. [Brahmanbaria North.]
Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura.]
Mukherji, Mr. Dhirendra Narayan. [Hooghly North-East.]
Mullick, Mr. Mukunda Behary. [Khulna.]
Murarka, Mr. Basantlal. [Calcutta Central.]
Musharruff Hossain, Nawab Khan Bahadur. [Jalpaiguri-*cum*-Darjeeling.]
Muzaffar Rahman Choudhury, Mr. [Balurghat.]

N

Nandy, Maharaja Sris Chandra. [Presidency Division Landholders.]
Nasarulla, Nawabzada K. [Dacca Municipal.]
Naskar, Mr. Ardhendu Sekhar. [24-Parganas North-West.]
Naskar, Mr. Hem Chandra. [24-Parganas South-East.]
Nawab Ali, Mr. [Tippera West.]
Nawajesh Ahmed, Mr. [Nadia East.]
Nazir Hossain Khandkar, Mr. [Kurigram South.]

Nooruddin, Mr. K. [Calcutta South.]
Norton, Mr. H. R., M.B.E. [Calcutta Trades Association.]
Nurazzaman, Khan Bahadur, M.B.E. [Bhola North.]
Nurul Amin, The Hon'ble Khan Bahadur. [Mymensingh East.]

O

Osman Ali, Mr. [Narayanganj South.]
Osman Gani, Khan Sahib. [Serajganj North.]

P

Paniruddin Ahmed, Mr. [Kurigram North.]
Panja, Mr. Jadabendra Nath. [Burdwan Central.]
Pentony, Mr. L. R. [Anglo-Indian.]
Pilkington, Mr. D. C. B. [Calcutta and Suburbs European.]
Platel, Mr. R. E. [Anglo-Indian.]
Poddar, Mr. Anandilal. [Marwari Association.]
Powell, Mr. J. A. [Burdwan Division European.]
Pramanik, Mr. Purna Chandra. [Nadia.]
Pramanik, Mr. Rajani Kanta. [Midnapore East.]

R

Raikut, Mr. Prasanna Deb. [Jalpaiguri-*cum*-Siliguri.]
Ray, Mr. Kamal Krishna. [Bankura East.]
Ray, Mr. Nagendra Narayan. [Rangpur.]
Ray Barman, Mr. Rajani Kanta. [Rangpur.]
Ricketts, Mrs. E. M. [Anglo-Indian.]
Roy, Mr. Dhananjoy. [Dacca East.]
Roy, Mr. Harendra Nath. [Dinajpur.]
Roy, Mr. Kiran Sankar. [East Bengal Municipal.]
Roy, Mr. Ram Hari. [Malda.]
Roy, Mr. Rup Narayan. [Dinajpur.]

S

Salim, Mr. S. A. [Narayanganj North.]
Sarkar, Mr. Bijoy Krishna. [Jessore.]
Sarkar, Mr. Rajendra Nath. [Khulna.]
Sarker, Mr. Prafulla Ranjan. [Mymensingh East.]
Sawday, Mr. S. K. [Calcutta and Suburbs European.]
Sen, Mrs. Ashalata. [Dacca (General).]
Sen, Mr. Debendra Nath. [Colliery (Coal Mines).]
Sen, Mr. Satindra Nath. [Bakarganj South-West.]
Sen Gupta, Mrs. Nellie. [Chittagong.]
Serajal Haque, Mr. Syed. [Tippera South.]
Serajuddin Ahammad, Mr. [Midnapore.]
Serajuddin Ahmed, Mr. [Gaibandha North.]
Serajul Islam, Mr. [Bongaon.]
Shamsuddin Ahmed, The Hon'ble Mr. [Kustia.]
Shamsuddin Ahmed Chowdhury (*alias* Badsha Miah), Mr. [Faridpur East.]
Shamsuddin Ahmed Khondkar, Mr. [Gopalganj.]
Shamsuddin Sikdar, Mr. Md. [Patuakhali South.]
Shamsul Huda, Maulana. [Mymensingh South.]
Sharfuddin Ahmad, Khan Bahadur. [Mymensingh North.]
Simpson, Mr. W. D. [Rajshahi Division European.]
Singhi, Mr. Narendra Singh. [Rajshahi Landholders.]
Sinha, Mr. Arun Chandra. [Chittagong Landholders.]
Sinha, Mr. Bimal Chandra. [24-Parganas South-East.]

Smart, Mr. J. N. [Dacca Division European.]
Smith, Mr. A. B. [Presidency Division European.]
Smyth-Osbourne, Mr. D. G. [Darjeeling.]
Stark, Mr. A. F. [Calcutta and Suburbs.]
Stevenson, Mr. R. A. H. [Indian Tea Association.]
Stokes, Mr. N. [Calcutta Trades Association.]
Suhrawardy, The Hon'ble Mr. H. S. [24-Parganas Municipal.]

T

Tafazzal Ali, Mr. [Tippera North-East.]
Taylor, Mr. A. W. [Bengal Chamber of Commerce.]
Thakur, Mr. Pramatha Ranjan. [Faridpur.]
Tofazzel Hossain, Mr. [Jhenidah.]

W

Walker, Mr. J. R. [Bengal Chamber of Commerce.]
Walton, Mr. A. C. [Chittagong Division European.]
Whitehead, Mr. R. B. [Indian Mining Association.]
Wilkinson, Mr. G. [Hooghly-*cum*-Howrah.]
Wilks, Mr. G. C. D. [Anglo-Indian.]
Wordsworth, Mr. W. C. [Calcutta and Suburbs European.]

Y

Yusuf Hossain Chowdhury, Khan Bahadur. [Faridpur West.]

Z

Zahur Ahmed Choudhury, Mr. [Malda South.]
Zaman, Mr. A. M. A. [Hooghly-*cum*-Serampore (Registered Factories

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the First Session.

Volume LXX.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 14th May, 1946, at 2-30 p.m.

Present:

Mr. Speaker (Mr. D. GLADDING, C.I.E., and subsequently the Hon'ble Khan Bahadur NURUL AMIN) in the Chair, 8 Hon'ble Ministers and 230 members.

Oath.

Mr. SPEAKER (Mr. D. Gladding): Ladies and gentlemen, if there is any member present who has not yet taken the prescribed oath, he may do so now at the Secretary's table.

The Secretary (Mr. K. Ali Afzal) administered the oath or affirmation of allegiance to the Crown to the following members:—

(1) Mr. Damber Singh Gurung,

(2) Mr. Prasanna Deb Raikut,

(3) Mr. Suresh Chandra Das Gupta,

(4) Mr. Anandilall Poddar,

(5) Mr. Murtaza Raza Chowdhury,

(6) Mr. Rup Narayan Roy, and

(7) Mr. Hemanta Kumar Basu.

Adjournment motion.

Mr. NISHITHA NATH KUNDU: Mr Speaker, I gave notice for moving an adjournment motion for discussing a matter of urgent public importance of recent occurrence, namely, the eviction of the Hindu cultivators from their respective lands in Char Noapara in Ranaghat subdivision of Nadia district and thereafter settling those lands with Muslim cultivators belonging to East Bengal districts.

Sir, I find that somebody signed refusing consent: he is not Mr. Gladding who had been appointed Speaker on the 4th of May by His Excellency the Governor. But somebody else signed S. N. Ali. I do not know if that S. N. Ali is Mr. Syed Nausher Ali and is still functioning on the 14th May. I know that Mr. Gladding is functioning on the 14th May as Speaker. So it is not the Speaker who has signed it but somebody else. So, Sir, I ask for your consent and after I have received your consent I shall ask for leave to move the motion. It is a very important motion, and there has been a precedent, but it has been overruled by an unauthorised person.

Mr. SPEAKER: Order, order. It is true that I was appointed to carry out the duties of the Speaker by His Excellency the Governor under sub-section (*3*) of section 65 of the Government of India Act, but under

the proviso to sub-section (2) of that section Mr. Nausher Ali continued to be Speaker until this Assembly met this afternoon. The proviso reads "Provided that, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution".

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, if you will read clause (2), you will find that clause (3) will not apply because, as soon as the Speaker ceases to be a member of the Assembly, his speakership ends. That is provided in sub-section (2) of section 65 and, therefore, Mr. Syed Nausher Ali, having ceased to be a member of the Bengal Legislative Assembly, cannot possibly continue as Speaker under the provisions of clause (3). May I read out section 65? Clause (1) provides for the election of Speaker and Deputy Speaker and clause (2) provides "a member holding office as Speaker or Deputy Speaker of an Assembly shall vacate his office if he ceases to be a member of the Assembly, may at any time resign his office by writing . . .". Therefore, Mr. Syed Nausher Ali not having been elected a member of the Assembly ceased to be the Speaker and the provisions of clause (3) will not apply.

Mr. NISHITHA NATH KUNDU: Sir, I beg to add further that it is very clear that Mr. D. Gladding, C.I.E., a member of the Bengal Legislative Assembly, is the only authorised Speaker and will perform the duties of the Speaker. The order is very clear. The Governor passed the order on the 4th May. The order reads as follows: In exercise of the power conferred by sub-section (3) of section 65 of the Government of India Act, 1935, I hereby appoint Mr. D. Gladding, C.I.E., a member of the Bengal Legislative Assembly, to perform the duties of the Speaker of the said Assembly until the Speaker is elected.

There is no room for doubt whether Mr. Syed Nausher Ali will act as Speaker or Mr. D. Gladding. The order is very clear. There is no ambiguity about it.

Mr. SPEAKER: I feel confident that your view is not correct. The proviso to sub-section (2) clearly overrides every proposition in the substantive part of clause (2).

Mr. DHIRENDRA NATH DATTA: Certainly, sub-section (2) should control and guide the proceedings of this meeting today. Sub-section (2) says: "A member holding office as Speaker or Deputy Speaker of an Assembly shall vacate his office . . .". The order is imperative. It is mandatory. It is not "may vacate his office". It is "shall vacate his office" if he ceases to be a member of the Assembly. Since he is not elected a member of the new Assembly, he ceases to be a member of the Assembly and shall vacate his office.

Mr. JOGESH CHANDRA GUPTA: Sir, may I just elaborate this point. You will notice, Sir, first of all clause (1) provides that the Provincial Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof. Then the next clause provides how a Speaker shall vacate his office and cease to be a Speaker. That says clearly: "A member holding office as Speaker or Deputy Speaker of an Assembly shall vacate his office if he ceases to be a member of the Assembly". Then after he vacates his office, the proviso contemplates the Speaker continuing as Speaker after the dissolution, but on the happening of the event of his not being a member of the Legislative Assembly, he can never act as Speaker. You cannot elect a person who is not a member of the Legislative Assembly as Speaker. If there was any provision that members of this Assembly could elect some body who is not a member of the Legislative Assembly as Speaker, then something could have been said. The qualification which enables him to be elected as Speaker is the qualification of membership of the Legislative

Assembly. As soon as he ceases to be a member of the Legislative Assembly, he ceases to be a Speaker. Therefore, this proviso will not be of avail in a case in which the Speaker has already ceased to be Speaker by ceasing to be a member of the Assembly for any reason whatever. If he has resigned, he cannot possibly act under the proviso. If his membership has lapsed, he cannot possibly do so and, as has been pointed out, if he did continue as Speaker, there was no necessity for the Governor to appoint you, Sir, to discharge the functions and the office of the Speaker.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, may I invite your attention to another clause which makes the position perfectly clear. Clause (*3*) of section 65 says: While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Governor may in his discretion appoint for the purpose, and during any absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

Now, both the offices of the Speaker as well as of the Deputy Speaker having fallen vacant, occasion arose for the Governor to appoint a Speaker for this particular meeting under the provisions of clause (*3*) of section 65. Therefore, there can be no question of any other Speaker being in existence with a view to giving his consent or withholding his consent to any notice of motion given today. Therefore, I submit, the procedure alleged to have been adopted in connection with the rejection of the notice of adjournment motion given by Mr. Kundu does not hold good and I submit, Sir, that you are called upon to consider the matter and either to give your consent or decide otherwise at your discretion.

Mr. NISHITHA NATH KUNDU: I will add another sentence now, Sir. The appointment of the Speaker was made by an order passed on the 4th May. If this order stands, there will be two Speakers of the Assembly if, as you say, Mr. Syed Nausher Ali was the Speaker till the 14th. On the 4th there was one Speaker, Mr. D. Gladding, C.I.E., was appointed another Speaker under clause (*3*). So, there were two Speakers functioning in Bengal, one under the proviso and another by the appointment order of the Governor. This is a position which is untenable. We cannot think of such a position that two Speakers will function together in Bengal from the 4th May, 1946, one in the Chamber and another outside the Chamber.

The Hon'ble Mr. H. S. SUHRAWARDY: May I take the liberty of supporting your point of view, Sir. Everyone ceased to be a member of the Assembly when the House was dissolved. At the same time, it is quite clear that Mr. Nausher Ali continued to be the Speaker. Therefore, the mere fact that the Speaker ceased to be a member of the Assembly does not imply that he will not continue to be a Speaker until the new House has met. The only point that can be raised by my friends opposite is that he has not been elected again. No one becomes a member of the Assembly until he comes to this House and takes the oath. Then he is in a position to participate in the functions of the Assembly.

Mr. KIRAN SANKAR ROY: A member has first of all to be elected.

The Hon'ble Mr. H. S. SUHRAWARDY: I can also emphasize this point by informing the House that when section 93 was promulgated, Mr. Nausher Ali's emoluments, although he continued to be the Speaker, were suspended, but as soon as section 93 was revoked—and that was even after Mr. Nausher Ali was not elected as a member of the House—his emoluments have begun to run at once.

Mr. NISHITHA NATH KUNDU: Who knows that the Accountant-General, Bengal, would not object?

The Hon'ble Mr. H. S. SUHRAWARDY: Therefore, in law, Sir, continues to be the Speaker until such time as you take the Chair in th House.

Mr. NIHARENDU DUTT-MAZUMDAR: On a point of order, Si There can be no question of taking it for granted that emoluments are d to Mr. Nausher Ali, because that is a question of law, and that particul point, Sir, I submit, is out of order. The very fact that the Govern exercised his power in view of the fact that the office of the Speaker w vacant, under clause (3) of section 65, rules out altogether any contenti that Mr. Nausher Ali could have been functioning as Speaker.

Mr. SPEAKER: I adhere to my view that the office of Speaker was n vacant until the House assembled at 2-30 this afternoon. The proviso sub-section (2) of section 65 deprives the Governor of any supposed pow so long as Mr. Nausher Ali was still alive and able to perform his function to make anybody else act as Speaker before this House assembled.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, will you kindly wai the ordinary rules for notice of adjournment motion and reconsider th motion in view of the fact that so many people who were using and occup ing the lands from time immemorial under lawful settlement have be evicted in spite of the order giving consent from the Board of Revenue stay the eviction. The order of the District Magistrate was in contrave tion and defiance of the order of the Board of Revenue.

The Hon'ble Khan Bahadur MOHAMMED ALI: Sir, can he make statement on the floor of the House at this stage?

Mr. SPEAKER: Mr. Dutt-Mazumdar, you are trying to make the spee which you would make if the motion of adjournment were allowed. I ho that consent to the motion has been refused by competent authority, and regret that I am not prepared to open the matter again.

Mr. NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir.

Mr. SPEAKER: What is your point of order?

Mr. NIHARENDU DUTT-MAZUMDAR: The point of order is th Would I be in order, Sir, in moving an adjournment motion when th House has actually assembled and whether the Speaker occupying t Chair would be called upon to consider that motion?

Mr. SPEAKER: I am not completely conversant with the rules but seems to me possible that rule 116 gives the Speaker discretion, in exce tional circumstances, to reconsider a refusal of consent and to grant conse on second thoughts.

Mr. NIHARENDU DUTT-MAZUMDAR: Will you reconsider th adjournment motion?

(Cries of "no, no" from the Government Benches.)

Mr. HARIPADA CHATTERJEE: In the Central Assembly the Speak decided to allow an adjournment motion to be moved on that very d after the election of the Speaker.

Mr. JYOTI BASU: Sir, there is another adjournment motion of whi I gave notice about the statement of the Hon'ble Mr. Suhrawardy on h assuming office as Minister regarding the release of political prisoners, a I beg leave of the House to move this motion for adjournment of the Hou and discuss this important matter which is before us. In view of the di cussions which have taken place on the previous motion I find that I ha also been refused consent by one Mr. S. N. Ali, but I should like to point o that it is also within your discretion at this very moment to allow us adjourn this House for discussing this important matter concerning th release of the political prisoners. I think we will not get any further cha

to move this adjournment motion this session becaus adjourn today. I, therefore, submit that this motion immediately.

Mr. SPEAKER: I do not propose to review the Mr. Nausher Ali refusing consent. The matter must please be treated as closed.

Mr. NIHARENDU DUTT-MAZUMDAR: May I hand over my motion to you, Sir?

Mr. SPEAKER: No, Sir. I am not prepared to consider it.

Election of Speaker.

Mr. SPEAKER: Ladies and gentlemen, we will now proceed to the election of the Speaker of this Assembly. The following candidates have been duly nominated for the post of Speaker:—

(1) Khan Bahadur Syed Muhammad Afzal proposed by Mr. A. K. Fazlul Huq and seconded by Khan Sahib Hatem Ally.
(2) Khan Bahadur Nurul Amin proposed by Khan Sahib Hamiduddin Ahmed and seconded by Mr. Abdul Karim.

As there is more than one candidate, we must resort to election by ballot. Will the Secretary ring the bell for three minutes?

(The bell was then rung.)

While the bell is ringing, members who desire to do so may examine the ballot boxes which are now in the centre of the House.

Order, order. The House is about to elect a Speaker by ballot. The names of the candidates are—

(1) Khan Bahadur Syed Muhammad Afzal.
(2) Khan Bahadur Nurul Amin.

Let me explain to members who may not have been here before that the ballot is secret and that the procedure will be as follows:—

(1) There are six ballot boxes. They are now in their appointed places at the entrances to the lobbies.
(2) Close to each ballot box will be found a screened place within which members may record their votes protected from observation.
(3) Each member will be given a ballot paper on which will be found the names of the two candidates.
(4) Each member will record his vote by marking a cross against the name of the candidate whom he prefers. The cross should be made in pencil rather than in ink. No signature or initial should be written on the ballot paper. If any writing that might disclose identity appears on the ballot paper, the ballot paper will be liable to be rejected.
(5) After recording his vote in the screened place, each voter will fold his ballot paper, emerge from the screened place and put the folded paper into the ballot box outside the screened place. Having done this he will please return to the Chamber and resume his seat. Not more than one member shall be in the screened place at the same time.
(6) Members sitting in the west of the gangway will please vote in the west lobbies. Other members will please vote in the east lobbies.

The House will now proceed to vote.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, will you pleased to direct that these instructions may be explained in Bengali for benefit of those who may not understand English?

Mr. SPEAKER: I suggest that the respective party whips might do that.

(Voting proceeded and members resumed their seats.)

Order, order. Is there any member present who has not recorded his vote but wishes to do so?

(Pause.)

May I take it that everybody present who desired to vote has recorded his vote?

(Pause.)

Then I declare the ballot closed. Let the ballot boxes be brought in.

(Pause.)

The House has ballotted. Two ballot papers have been rejected. The result of the ballot is as follows:—

Khan Bahadur Syed Muhammad Afzal—93.

Khan Bahadur Nurul Amin—137.

(Cheers from Muslim League Benches.)

I declare Khan Bahadur Nurul Amin to be elected Speaker of the Bengal Legislative Assembly.

Khan Bahadur NURUL AMIN (who, standing up in his place, was received with general cheers): Ladies and gentlemen, I beg to offer my hearty thanks to you all for having done me the honour this evening by electing me Speaker of the Bengal Legislative Assembly.

(At this stage Khan Sahib Hamiduddin Ahmed, the proposer and Mr. Abdul Karim, the seconder, led Mr. Speaker to the Chair.)

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, on behalf of the House, my colleagues and myself I offer you our cordial felicitations on your election to the high office of Speaker of this Assembly. Although, Sir, you are new to this House you have been a member of the Upper Chamber, I believe, almost since its inception and you are fully imbued with its high and dignified traditions. As a Chairman of the District Board of Mymensingh you have conducted your duties with conspicuous ability and have earned for yourself a great reputation and enjoyed the confidence of those who have come in contact with you and have seen your work. You are used to giving quick decision and you have given proof of judgment and character, and we are certain, Sir, that under your Speakership we shall not only get quick but just and impartial decisions that will not bring discredit to this Parliament of Bengal. I am sure, Sir, that in the discharge of the duties of your high office and in guiding the deliberations of this House impartially and without bias you will receive the co-operation of all sections of this House in upholding its dignity, its efficiency and in maintaining its privileges. I wish you, Sir, every success.

Mr. KIRAN SANKAR ROY: Sir, on behalf of the Congress Assembly Party I offer our warmest congratulations to you on your election as Speaker of this House. The great office to which you have been elected, Mr. Speaker, carries with it great responsibility. You are, Sir, the custodian of the privileges and liberties of this House. You are also the custodian of the privileges and liberties of every member of this House. May I say in this connection that we who are in minority, who are the Opposition, will require your assistance more than those who have the strength of numbers. Mr. Speaker, there is tradition in the British House of Commons that the Speaker after election ceases to be a member of any party. You have been a nominee of the Muslim League. I respectfully recommend the tradition of the British House of Commons to you for your guidance and consideration.

Mr. Speaker, I know that no Speaker can guide the deliberations of a House properly without the help and co-operation of all sections of the House. So far as we are concerned I can give you assurance that you will get our support in the discharge of your duties. I hope, Sir, when the time will come for you to lay down your office it will be said of you that you have given your assistance to every person irrespective of parties, that you have given decisions fearlessly and fairly, that you have guided the debates of this House in a way that we debated without bitterness and differed without rancour. I once more wish you success in the discharge of your duties.

Mr. D. GLADDING: Mr. Speaker, Sir, in the absence of our Leader, Mr. Walker, I beg to offer you the congratulations and good wishes of the European Group on your appointment to the Speaker's Chair. You will be fully conscious of the high obligations of your office. You are to consider yourself lifted out of politics and divorced from party. You are to secure a fair hearing for every section of the House. You are to see that business is not improperly rushed by the Government, and equally to see that it is not unduly prolonged by those who may find themselves opposed to the Government. Your consent is necessary to all motions, and you are sole arbiter in the case of adjournment motions. You are expected to decide points of order with all possible despatch, remembering that the prerogative is yours alone and that the House, however anxious to assist you, is not a jury or an assessor with whom your responsibility can be shared.

Last but not least, you are to keep us all in order exacting parliamentary conduct from us and a faithful observance of the rules of procedure. In your endeavour to do all these things you will merit the support of the whole House, and will always have the support of the European Group. We look up to you, Sir, with confidence, and wish you a happy term of office.

Mr. JYOTI BASU: Sir, on behalf of the Communist Group, I offer you our heartfelt congratulations on your being elected as Speaker, and in this connection I would just like to mention that as a very small minority party in this House we would always want to seek your protection in order to place our views in this House and especially because in this session we are meeting in a momentous time when Bengal is facing a serious crisis. I am quite sure that unless you give us your protection and impart justice all round it will be impossible for the other parties besides the Government to contribute to the building of a new united Bengal which we hope to achieve in the near future.

Mr. MUKUNDA BEHARY MULLICK: Mr. Speaker, Sir, I rise to offer you my congratulations on your being elected to the dignified office of the Speaker of the Bengal Legislative Assembly. I do not propose to take too long a time of the House by adding to the chorus of felicitations which have been showered upon you from the different sides, nor shall I try to remind you of the duties with which you will be invested as the Speaker of this dignified body for I hope you will know these very soon. The Hon'ble Leader of the House has already told us about the various offices you held before being called upon to assume the dignified office of the Speaker of this Assembly. No doubt it is true that you are new to this House, but you have been a member of the Bengal Legislative Council for years now and in your various activities before you came to this House you have endeared yourself to those with whom you were called upon to work and you also earned this reputation of giving wise guidance to those with whom you had the opportunity of working so long.

Now, Sir, you have been called to this office which is beset with some amount of difficulty. But in view of the assurances given to you by the Hon'ble Leader of the House as also the Hon'ble Leader of the Opposition, I only hope and trust that it will be possible for you to pick and choose and to do your very best in guiding the deliberations of the House. I do

not say anything more but pray to God Almighty that he might keep you in good health, so that you may have a sound mind in a sound body to discharge your onerous duties to our own satisfaction.

With these words, Sir, I offer you once again our sincere congratulations.

Mr. C. C. D. WILKS: Sir, on behalf of the Anglo-Indian Group, I offer you our sincerest congratulations and good wishes on your election to the office of Speaker of this House. I assure you of the co-operation and support of my friends and myself in the discharge of your duties. I would request you to bear in mind that we are one of the very small minorities in this Assembly and we look to you for justice and goodwill in the discharge of your duties.

Mr. SPEAKER: Ladies and gentlemen, I once more take this opportunity of expressing my deep sense of gratitude and thanks to you for having elected me as Speaker of this Assembly. I fully realise the responsibility of the office which I have been called upon this evening to assume. I also realise the onerous task which I shall have to discharge in this House and in that I shall always look forward for your co-operation; I am encouraged by the fact that the Hon'ble Leader of the House and the Leader of the Opposition and leaders of other groups have assured me of their wholehearted co-operation in the discharge of my duties. I am conscious of the fact that this exalted position and dignified office was occupied by many illustrious sons of Bengal and I shall always try to follow the traditions of my predecessors and also build up new conventions which will be worth following. I am new to this House as has been mentioned by more than one speaker here and in that I shall always require your assistance, co-operation and guidance. I find around me many veteran parliamentarians and experienced lawyers who will, I hope and trust, always give me good counsel and guide me in those points on which I require assistance. I can assure you, ladies and gentlemen, that in discharging my duties my best endeavour will be to hold the scales even and to protect the rights of every individual member and also the rights of every party however small a minority it shall be. (Cries of "Hear, hear".)

Ladies and gentlemen, you have already heard that I am new to this House and in that I shall have to do some arduous work in getting myself completely prepared to discharge my duties, and I hope that it will not be a very difficult task to get hold of the procedure that I shall have to follow in this House.

Once more I thank you for the honour you have done me today. (Applause.)

Election of Deputy Speaker.

Mr. SPEAKER: We shall now proceed with the election of Deputy Speaker of this House. The following candidates have been duly nominated for the office of Deputy Speaker:—

Khan Bahadur Mudassir Hossain,

Mr. Tafazzal Ali proposed by Mr. Abdul Karim and seconded by Mr. Ali Ahmed Khan; and

Mr. Pramatha Ranjan Thakur proposed by Khan Bahadur Syed Mahammad Afzal and seconded by Khan Sahib Hatem Ally.

Since then I have received notice of withdrawal from Khan Bahadur Mudassir Hossain.

The Assembly will now proceed with the election of Deputy Speaker.

In the case of ballotting for the Deputy Speaker, the following procedure will be adopted, viz.:—

(1) Members on the west side of the House, west of the gangway are requested to vote in the west lobby and those sitting on the other side in the east lobby.

(2) Six ballot boxes and six screened places have been provided in each of the division lobbies, to enable a member to record his vote screened from observation.

(3) Each member will be given his ballot paper as he passes the counter in the lobby.

(4) Members are requested to indicate their preference on the ballot paper by marking a cross against the name of the candidate for whom they wish to vote. They should not sign or initial the ballot paper.

The ballot boxes are here in the Chamber and any member wishing to examine them may kindly do so now.

(Pause.)

The ballot boxes have been placed near the doors leading to the lobbies and ballotting may commence now.

(Voting proceeded.)

Order, order. Members will please take their seats. Members who are willing to vote but have not yet voted will kindly go to the ballot boxes and record their votes. Is there any member who has not done so?

(Pause.)

The voting is closed. (Pause.) The ballot has been taken and the result of the voting is as follows:—

Mr. Pramatha Ranjan Thakur—99.

Mr. Tafazzal Ali—130.

Two votes have been rejected.

Mr. Tafazzal Ali who has got the majority of votes is declared elected as Deputy Speaker of the Bengal Legislative Assembly.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, I offer to the Deputy Speaker my heartiest congratulations on the office to which he has been elevated. He has already, Sir, made his mark as an advocate in the High Court and has shown signs of a promising career. I am sure, Sir, that he will be able to render to you all the assistance that you may need. And when we shall have the pleasure of seeing him occupying the Chair, I am certain that he will carry on the traditions of fairness and justice with which the Chair is decorated. I congratulate him, Sir.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I on behalf of the Congress Party rise to offer my warmest congratulations to my friend, Mr. Tafazzal Ali, on his election as Deputy Speaker of this House. I have come to know him for some time past. He is a resident of the subdivision to which I belong. He is new to this office but he has got some experience because he was a member of the district board as well as of the local board, and he was my colleague in the local board. I know that he will be fully alive to the responsibility of the office to which he has been elevated today, I beg to remind him that the responsibility of the Speaker and of the Deputy Speaker is more than that of a judge. The Judge has to record his reasons for his decisions but the Speaker or the Deputy Speaker has not to record his reasons for his decisions. So his responsibility is greater than that of a Judge. (A member from the Muslim League Benches: A Small Cause Court Judge.) My friend says a Small Cause Court Judge. A Small Cause Court Judge has great responsibility to perform but the task of the Deputy Speaker is greater, the task is harder in view of the fact that politically he is affiliated to a party, but he will have to shed his political consideration in the discharge of his duties. It is very difficult for a person to do so but I am sure that he will rise above party consideration and in the discharge of his duties he will do so impartially and with the dignity of the office to which he has been elevated today. I congratulate my friend on his election as the Deputy Speaker of the Assembly.

Mr. D. GLADDING: Mr. Speaker, on behalf of the European Group, with your permission, I wish to tender our congratulations to Mr. Tafazzal Ali on his appointment as Deputy Speaker. I think he was here when I offered my congratulations to you, and everything I said with regard to your own responsibility and the way in which we shall look up to you for the proper discharge of your duties also applies to your deputy. I am glad to hear of his qualifications for the post and that he has already done so much in public life that gives promise of his success in his new office. It will be up to him, more than any other member of this House, to be in regular attendance, because he must always be on the spot to fill your place in emergency. So we look forward to seeing his face regularly whenever we enter this House. We wish him success.

Mr. JYOTI BASU: Mr. Speaker, I offer my sincerest congratulations to the Deputy Speaker for his appointment. Of course I do not know him personally at all. I have just heard about him from the Hon'ble Mr. Suhrawardy and I am sure that he will also discharge his duties and responsibilities with justice and fairness.

Mr. L. R. PENTONY: Mr. Speaker, on behalf of the Anglo-Indians and Indian Christians I offer our sincerest congratulations to Mr. Tafazzal Ali on his elevation to the office of Deputy Speaker. Sir, I congratulate him.

Khan Bahadur NURAZZAMAN: Ladies and gentlemen, I most heartily and respectfully congratulate Mr. Tafazzal Ali on his election to the high office of Deputy Speaker. He is a promising young man and a lawyer of the Calcutta High Court and we trust and hope that he will be alive to the duties and responsibilities of the Deputy Speaker. I believe the posts of Speaker and the Deputy Speaker are as honourable and dignified as the position of a Minister. We pray for his long life and wish him success.

Mr. TAFAZZAL ALI: Mr. Speaker, I take this opportunity of thanking the ladies and gentlemen present on the floor of the House for kindly electing me as the Deputy Speaker of this Assembly. I also thank the different leaders and members of the parties who have said some kind words about me. I fully realise that I do not deserve all that has been said about me by my esteemed leader, the Hon'ble Mr. H. S. Suhrawardy. I also realise that he has some innate weakness for me because I had the privilege of working as junior to Mr. Suhrawardy in the Appellate Side of the Calcutta High Court. Anyhow, I appreciate the spirit in which my leader and other gentlemen of this House have kindly spoken about me.

My esteemed friend Mr. Dhirendra Nath Datta has referred to my party affiliation. Sir, I have indeed my party affiliation. In fact, I think I cannot dream of my existence on the floor of this House without affiliation to my party. At the same time, Sir, I can assure all members of this House that when I am called upon to preside over the deliberations of this House, I will do my duty without any fear or favour, without remembering affiliation to any party to which I may have the privilege to belong. It is true I have this affiliation, at the same time I have this confidence in me that when I am placed in a position from where I have to dispense justice, I am capable of forgetting all other considerations.

I thank again all the members of this House through you, Sir, for showing me this kindness in electing me Deputy Speaker of this Legislative Assembly.

Prorogation.

Mr. SPEAKER: Order, order. I have it in command from His Excellency the Governor that the Bengal Legislative Assembly do stand prorogued.

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